

ZILKA·KOTABPC
ZILKA, KOTAB & FEECE™95 SOUTH MARKET ST., SUITE 420
SAN JOSE, CA 95113TELEPHONE (408) 971-2573
FAX (408) 971-4660RECEIVED
CENTRAL FAX CENTER
DEC 22 2004

FAX COVER SHEET

Date: December 22, 2004	Phone Number	Fax Number
To: Examiner B. Alies		(703) 872-9306
From: Kevin J. Zilka		

Docket No.: NA11P009/01.114.01

App. No: 09/895,535

Total Number of Pages Being Transmitted, Including Cover Sheet: 15

Message:

Please deliver to Examiner Alies.

Thank you,

Kevin J. Zilka

☐ Original to follow Via Regular Mail ☒ Original will Not be Sent ☐ Original will follow Via Overnight Courier

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (if long distance, please call collect) and return the original message to us at the above address via the U.S. Postal Service. Thank you.

IF YOU DO NOT RECEIVE ALL PAGES OR IF YOU ENCOUNTER
ANY OTHER DIFFICULTY, PLEASE PHONE Erica
AT (408) 971-2573 AT YOUR EARLIEST CONVENIENCE

December 21, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re application of:)
)
 Magdych et al.)
) Group Art Unit: 2142)
)
 Application No. 09/895,535) Ex.: Alies, Benjamin A.
)
 Filed: June 29, 2001) Date: December 22, 2004
)
 For: SYSTEM, METHOD AND COMPUTER)
 PROGRAM PRODUCT FOR IMPROVED)
 EFFICIENCY IN NETWORK ASSESSMENT)
 UTILIZING A PORT STATUS)
PRE-QUALIFICATION PROCEDURE)

RECEIVED
 CENTRAL FAX CENTER
 DEC 22 2004

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, Alexandria, VA, 22313-1450 at facsimile number: (703) 872-9306 on the above date.

Signed:

Erica L. Furlow

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated as shown below.

	Claims Remaining After Amendment	Highest Previously Paid For Extra	Present	SMALL ENTITY RATE FEE	OR	LARGE ENTITY RATE FEE
TOTAL CLAIMS	25	23	02	X25 = \$	OR	X50 = \$100
INDEP CLAIMS	05	05	00	X100 = \$	OR	X200 = \$0
[] Multiple Dependent Claim Present and Fee Not Previously Paid				\$130		\$0
TOTAL				\$		\$100.00

☐
☒

Applicant(s) hereby petition for a month extension of time to respond to the outstanding Office Action.
 Applicant(s) believe that no Extension of Time is required; however, if it is determined that such an extension is required, Applicant(s) hereby petition that such an extension be granted and authorize the Commissioner to charge the required fees for an Extension of Time under 37 CFR 1.136 to Deposit Account No. 50-1351.
☐ Enclosed is our Check No. in the amount of \$ to cover the additional claim fee and/or extension of time fees.
☒ If the required fees are missing or any additional fees are required to facilitate filing the enclosed response, please charge such fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NA11P009).
 A copy of this sheet is enclosed for billing purposes.

Respectfully submitted,
 Zilka-Kotab, PC

Kevin J. Zilka
 Registration No. 41,429

P.O. Box 721120
 San Jose, CA 95172-1120
 Telephone: (408) 971-2573

(Revised 1/96)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
)
 Magdych et al.)
) Group Art Unit: 2142
)
 Application No. 09/895,535) Ex.: Alies, Benjamin A.
)
 Filed: June 29, 2001) Date: December 22, 2004
)
 For: SYSTEM, METHOD AND COMPUTER)
 PROGRAM PRODUCT FOR IMPROVED)
 EFFICIENCY IN NETWORK ASSESSMENT)
 UTILIZING A PORT STATUS)
PRE-QUALIFICATION PROCEDURE)

RECEIVED
 CENTRAL FAX CENTER
 DEC 22 2004

 COPY

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, Alexandria, VA 22313-1450 by facsimile number: (703) 872-9306 on the above date.

Signed:

Erica L. Farlow

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated as shown below.

	Claims Remaining After <u>Amendment</u>	Highest Previously Paid For <u>Extra</u>	Present	SMALL ENTITY <u>RATE FEE</u>	OR	LARGE ENTITY <u>RATE FEE</u>
TOTAL CLAIMS	25 -	23	02	X25 = \$	OR	X50 = \$100
INDEP CLAIMS	05 -	05	00	X100 = \$	OR	X200 = \$0
[] Multiple Dependent Claim Present and Fee Not Previously Paid				\$130		\$0
TOTAL				\$		\$100.00

- ☐ Applicant(s) hereby petition for a month extension of time to respond to the outstanding Office Action.
- ☒ Applicant(s) believe that no Extension of Time is required; however, if it is determined that such an extension is required, Applicant(s) hereby petition that such an extension be granted and authorize the Commissioner to charge the required fees for an Extension of Time under 37 CFR 1.136 to Deposit Account No. 50-1351.
- ☐ Enclosed is our Check No. in the amount of \$ to cover the additional claim fee and/or extension of time fees.
- ☒ If the required fees are missing or any additional fees are required to facilitate filing the enclosed response, please charge such fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NA11P009). A copy of this sheet is enclosed for billing purposes.

Respectfully submitted,
 Zilka Kotab, PC

Kevin J. Zilka
 Registration No. 41,429

P.O. Box 721120
 San Jose, CA 95172-1120
 Telephone: (408) 971-2573

(Revised 1/96)

RECEIVED
CENTRAL FAX CENTER

DEC 22 2004 -1-

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
Magdych et al.)
) Group Art Unit: 2142
Application No. 09/895,535) Ex.: Alies, Benjamin A.
Filed: June 29, 2001) Date: December 22, 2004
For: SYSTEM, METHOD AND COMPUTER)
PROGRAM PRODUCT FOR IMPROVED)
EFFICIENCY IN NETWORK ASSESSMENT)
UTILIZING A PORT STATUS)
PRE-QUALIFICATION PROCEDURE)

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, Alexandria, VA 22313-1450 at facsimile number: (703) 872-9306 on the above date.

Signed: 

Erica L. Farlow

AMENDMENT A

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to an Office Action mailed on 11/15/04, please enter the following in the above application: